



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/848,082 03/21/96 DENNISON

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EXAMINER

MAJUNG, N

ART UNIT

PAPER NUMBER

2744

DATE MAILED:

11/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/848,082

Applicant(s)

Dennison et al.

Examiner

Nay Maung

Group Art Unit

2744



☒ Responsive to communication(s) filed on Aug 18, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 4, 9-14, 26-31, 33, 35-38, 42, 44, 49-53, 57-64, and 66-73 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 4, 9-14, 26-29, 31, 33, 35-37, 42, 44, 49-52, 57-60, 62-64, and 66-73 is/are allowed.

☒ Claim(s) 30, 38, 53, and 61 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30, 38, 53, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al.(herein Okamoto) in view of Hillis.

Consider claim 30. Okamoto discloses a method of making communication process management decisions in two neighboring wireless over-the-air communications systems each having its own cell sites, having:

maintaining signal strength in all cell sites at a maximum permissible level for the area immediately adjacent to each cell site (p. 7, lines 4-33); establishing an exact geographic location for a mobile unit (p. 7, lines 4-33); matching the geographic location of the mobile unit to a cell site location (p. 4, lines 1-21; in-range zone) , and selecting a cell site base on the matching (p. 4, lines 17-21).

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Okamoto does not specifically show selecting a specific cell site to handle the communication process based on the exact geographic location. However, the claimed limitation is very well-known in the art as evidenced by Hillis.

Hillis teaches a dynamic pricing method and apparatus for communication systems having means for locating the originating of a mobile unit for computing a calling rate, and means for call routing to provide proper service for the mobile unit base on the location of the mobile unit, and hand-offs between cells (abstract; col. 5, lines 7-20; col. 6, lines 1-34).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Okamoto's system in order to route the call from a specific cell site and to provide the maximum system utility, as taught by Hillis.

Consider claim 38. Okamoto and Hillis discloses locating means includes a satellite communications system.

Consider claim 53. The combination of Okamoto and Hillis do not explicitly disclose at least one wireless system communications satellite. However, the examiner takes "Official Notice" that the satellite cellular systems are very well-known in the art, and would have been obvious to one of ordinary skill in the art, at the time of invention, that hand-over from one system to another, may well encompass hand-off to a wireless communications satellite.

Consider claim 61. Neither Okamoto nor Hillis disclose means for updating the location of the mobile unit at selected intervals. However, it would have been obvious to one of ordinary

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skill in the art, at the time of invention, to have updated on regular intervals, if not continuously, the location of mobile subscribers, given that subscribers do have the ability to roam.

Response to Arguments

1. Applicant's arguments filed 8/18/99 have been fully considered but they are not persuasive.
2. In the remarks, the applicant argued in substance:

“Claims 1-65 stand rejected as being unpatentable,...

Claim 1 has been replaced by new claim 66...” (pp. 10-13 of the applicant's argument).

In response to the argument, the applicant has amended the independent claims 9, 26-29, 66, and 68, and argued the fact that the prior art of record fails to show the added limitations; however, the applicant did not amend the independent claim 30. Therefore, claim 30 is still read on the prior art of record.

Allowable Subject Matter

3. Claims 4, 9-14, 26-29, 31, 33, 35-37, 42, 44, 49-52, 57-60, 62-64, and 66-73 are allowed prior art of record.
4. The following is an examiner's statement of reasons for allowance: the examiner agrees with the applicant's remarks (pp. 10-13) wherein the prior art of record fails to show the claimed invention as substantially disclosed in claims 9, 26-29, 66, and 68.

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Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)


Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

**6. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Nay Maung whose telephone number is (703) 308-7745.**

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.


NAY MAUNG
PATENT EXAMINER

November 5, 1999